

Appl. No. 09/909,288
Atty. Docket No. CM2506
Amdt. dated May 12, 2005
Reply to Office Action of 3/28/2005
Customer No. 27752

REMARKS/ARGUMENTS

Claims 38-40 and 42-66 are pending. Claims 1-29, 37 and 41 have been previously cancelled. Claims 30-35 have been withdrawn from consideration.

Formal Matters

For the record, there are no objections or rejections under 35 USC 112 outstanding.

Rejections Under 35 USC 103

All of the rejections are over the combination of U.S. 5,929,007 in view of various secondary documents.

More particularly, Claims 38-40, 42-55 and 57-66 stand rejected over '007 in view of U.S., 5,202,050 and JP 8151597, for reasons of record at pages 4-8 of the Office Action.

Claim 56 stands rejected over '007 in view of '050 and JP '597, and further in view of U.S. 5,739,092, for reasons of record at pages 8-9 of the Office Action.

Applicants respectfully traverse all of said rejections.

It is submitted that '007 and '050 or JP '597 cannot be combined, as a matter of law, since the primary and secondary documents teach away from each other.

In this regard, attention is directed to '007 Abstract and column 2, lines 21-22, wherein the compositions are "characterized in that they contain no further anionic or cationic type surfactant constituents." [emphasis supplied]

The point is re-emphasized in '007 at column 5, lines 38-44, which bespeaks the inventor's surprising discovery that the addition of such surfactant causes an "appreciable decrease" in cleaning performance!

In sharp contrast, '050 teaches that the disclosed compositions usually contain a surface-active agent surfactant (column 2, line 50); see Examples at columns 7-8, each containing an anionic surfactant.

In light of the fact that '007 specifically excludes anionic surfactants for the very important reason that they decrease the performance of the disclosed compositions, and in further view of the fact that '050 employs surfactants, including the anionics, it is submitted that the disclosures of '007 and '050 teach away from each other. **Under such circumstances, it is clear that the documents cannot be combined to make a rejection under 35 USC 103. See MPEP 2145, citing In re Grasselli, 713 F.2d, 731, 743 (Fed. Cir. 1983).**

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Since '007 is not combinable with '050 as a matter of law, it is submitted that all rejections which rely on said combination should be withdrawn.

For the same reason, the cited JP '597 patent cannot be combined with '007, since the compositions of JP '597 also comprise various anionic surfactants, such as those listed at page 12 (see patent translation).

For the same reason, the cited '092 patent cannot be combined with '007, since '092 requires the presence of the alkyl ethoxy carboxylate surfactant, which, as shown by its formula at column 2, line 56, is anionic. Moreover, particularly preferred compositions of '092 can comprise various other anionic surfactants, such as those listed at column 2, lines 13-18.

In short, '007, with its quite specific teaching away from anionic surfactants, is not properly combinable with any of the other cited documents.

In light of the foregoing, it is requested that all rejections over any of the aforesaid combinations of cited documents be reconsidered and withdrawn.

Double Patenting Rejection

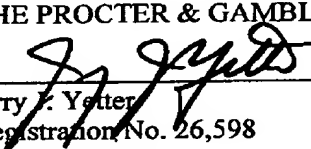
In response to the rejection (Office Action, page 10), submitted herewith is a Terminal Disclaimer over copending 10/253,113, 09/909,233, 09/910,281, U.S. 6,683,036 and U.S. 6,723,692. Withdrawal of the rejection is requested.

In light of the foregoing, early and favorable action is requested.

Respectfully submitted,

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